

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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GOLDEN BEAR INSURANCE
COMPANY, a California corporation,

Plaintiff,

v.

EVANSTON INSURANCE COMPANY, an
Illinois corporation; and STARSTONE
SPECIALTY INSURANCE COMPANY, a
New Jersey corporation,

Defendant.

AND RELATED COUNTERCLAIM

Case No. 2:20-cv-00027-RFB-EJY

ORDER

Pending before the Court is Golden Bear Insurance Company's Motion for Leave to file Under Seal Exhibits 14 through 17 to Index of Exhibits in Support of its Motion for Summary Judgment Against Defendants, or, Alternatively, Motion for Partial Summary Judgment (the "Motion to Seal"). ECF No. 53. No response to the Motion to Seal was filed.

As the party seeking to seal a judicial record, Plaintiff must meet their burden of overcoming the strong presumption in favor of access and public policies favoring disclosure. *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006) (holding that those who seek to maintain the secrecy of documents attached to dispositive motions must meet the high threshold of showing that "compelling reasons" support secrecy). When determining whether a compelling reason exists to seal documents, courts weigh factors such as the public interest in understanding the judicial process and whether the information could result in improper use including the release of trade secrets. *Id.* at 1179.

The mere fact that the production of records may lead to a party's embarrassment, incrimination, or exposure to further litigation will not alone compel the court to seal its records. *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1136 (9th Cir. 2003). Compelling reasons require a demonstration of something more, such as when court files have become a vehicle

1 for improper purposes, including use of records to gratify private spite, promote public scandal,
2 disseminate libelous statements, or circulate trade secrets. *Nixon v. Warner Commc'ns*, 435 U.S.
3 589, 598 (1978).

4 Here, the Court finds good cause to seal Exhibits 14 through 17 in Support of Golden Bear's
5 Motion for Summary Judgment. These documents are subject to confidentiality and represent
6 confidential information the disclosure of which would be harmful to the parties and to non-parties
7 to the present litigation.

8 Accordingly, IT IS HEREBY ORDERED that Golden Bear Insurance Company's Motion
9 for Leave to file Under Seal Exhibits 14 through 17 to Index of Exhibits in Support of its Motion for
10 Summary Judgment Against Defendants, or, Alternatively, Motion for Partial Summary Judgment
11 (ECF No. 53) is GRANTED.

12 IT IS FURTHER ORDERED that Exhibits 14 through 17 listed on the Index of Exhibits,
13 shall remain sealed.

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15 Dated this 29th day of March, 2021.

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19 ELAYNA J. YOUCHAH
20 UNITED STATES MAGISTRATE JUDGE
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